

Remarks

In her action, the examiner demanded restriction to one of the following inventions:

I Claims 1-8 and 23-28 drawn to an aluminum alloy product.

II Claims 9-22 drawn to a process for working and heat treating an aluminum alloy.

During a telephone communication with Gary Topolosky on August 30, 2004, a provisional election with traverse was made to prosecute the invention of Group I. This election is now confirmed without traverse. However, the non elected claims are withdrawn rather than cancelled to facilitate filing of a divisional application for those claims.

Communication with the inventors established that no amendment of inventorship is required since both inventors contributed to both of the inventions cited above.

In her action, the examiner rejected claims 1-7, 23, 24, 26 and 28 under 35 U.S.C. 103(a) as being unpatentable over Morris. In the independent claims 1 and 23, the upper limit to the range on silicon is changed in the amendment made supra to less than 0.5 wt.%. With this change, there is no overlap or contact with the range taught by Morris. This lowering of the range on silicon is supported in the specification in paragraph [0017], lines 6 and 7, as well as claims 5 and 6 of the original application. Accordingly, the examiner is respectfully requested to withdraw her rejections of claims 1 and 23 and their dependent claims 2-7, 24, 26 and 28 due to Morris.

Further, in her action, the examiner rejected claims 1-8 and 23-28 under 35 U.S.C. 103(a) due to Crona. In the amendment to claims 1 and 23 made supra, the lower limit to the range on iron is increased from 1.8 wt.% to greater than 1.8 wt.%. With this trivial change, there is no overlap or contact with the range taught by Crona. Accordingly, the

examiner is respectfully requested to withdraw her rejections of claims 1 and 23 and their dependent claims 2-8 and 24-28 due to Crona.

Also, in her action, the examiner rejected claims 1-4, 7, 23, 24, 26 and 28 as being unpatentable over Kawahara. In the independent claims 1 and 23, the upper limit to the range on silicon is changed in the amendment made supra to less than 0.5 wt.%. With this change, there is no overlap or contact with the range taught by Kawahara. As discussed supra, this change to the range on silicon is supported in the specification in paragraph [0017], lines 6 and 7, as well as claims 5 and 6 of the original application. Accordingly, the examiner is respectfully requested to withdraw her rejections of claims 1 and 23 and their dependent claims 2-4, 7, 24, 26 and 28 due to Kawahara.

In the amendment to claim 1 made supra, the optional constituents Zn, In, and Ti are removed, and these options are placed in the new claims 34-36, respectively. Claims 34-36 depend from claim 1. This does not add new information because these optional constituents were included in the original claim 1.

In like manner, the optional constituents Zn, In, Ti, Zr, and Mg were removed from claim 23, and these options are placed in the new dependent claims 29-33. This does not add new information because these optional constituents were included in the original claim 23.

Claim 37 introduces the limitation that the alloy of claim 1 is substantially free from large grain intermetallic compounds. This is believed to be supported by paragraph [0012] in the specification, and that no new information is introduced.

The new claims 38-41 are for an alloy and heat exchanger having narrower ranges of constituents than claims 1 or 23. The composition ranges cited in claims 38-41 are taken from the list of inventive alloys cited in Table I of the specification, which follows paragraph [0031]. Because claims 38-41 bracket the compositions cited in Table I, it is believed that no new information is added. These ranges do not contact or overlap the ranges taught in Morris, Crona, nor Kawahara and are therefore believed to be patentable.

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As a result of the above amendments, it is believed that all the claims in the
 application presently under consideration are allowable. An early notice of allowance is
 earnestly solicited. If the examiner has questions regarding the amended application, she
 is invited to call the undersigned agent for the applicants at (724) 337-6165.

Respectfully Submitted

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